

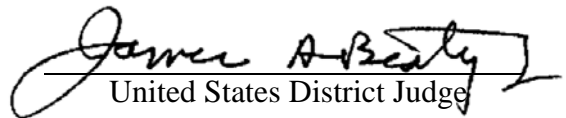
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GERALD E. MANNING,)	
)	
Petitioner,)	
)	
v.)	1:06CV105
)	
R. DAVID MITCHELL,)	
)	
Respondent.)	

J U D G M E N T

For the reasons set out in an Order entered contemporaneously with this Judgment,

IT IS ORDERED AND ADJUDGED that Respondent's motion for summary judgment (docket no. 4) is granted, that Petitioner's cross-motion for summary judgment (docket no. 9) is denied, that the habeas petition (docket no. 1) is denied, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.


United States District Judge

February 5, 2007